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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,307	12/09/2003	Michael Bishop	0201-030406	3635

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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/731,307

Applicant(s)

BISHOP ET AL.

Examiner

Simon Sing

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 10-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-24 is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-19, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 25, applicant claims a request based on a caller voice activated dialing instruction, and the caller has not initiated a call corresponding to the request. It is confusing that how can a caller (user) utter a voice activated dialing instruction, but not initiate call.

It was well known in the art and as disclosed by the applicant in the specification, a voice activated dialing instruction ("call Michael Bishop", for example) initiates a call, even though the call may not be established with a called party (see Specification, page 2, lines 5-16, page 12, lines 8-11, page 13, lines 1-5). Therefore, when the caller utters a voice activated dialing instruction to call someone, the caller initiates a call.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Borcharding US 5,165,095.

2.1 Regarding claim 1, Borcharding discloses a method of voice dialing, comprising steps of:

receiving a call initiated by a voice activated dialing instruction in a user device, such as “call home” or “ call Uncle Joé” after hearing a dialing tone (column 5, lines 10-13; column 3, lines 23-31);

translating the at least a part of the instruction into data (column 5, lines 32-33);

failing to find a call destination number corresponding to the instruction data in a caller database (first directory) (column 5, lines 58-64);

using the instruction data to obtain the call destination number from a second database (second directory) (column 5, lines 63-65; column 6, lines 14-20); and

routing the call to the call destination number (column 5, lines 47-49; column 2, lines 15-20).

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2.2 Regarding claim 3, Borcharding teaches a destination number in the caller database (i.e. the destination number has been added to the first database) (column 5, lines 5, lines 58-63; column 6, lines 14-20).

2.3 Regarding claim 10, Borcharding discloses a method of voice dialing, comprising steps of:

receiving a call initiated by a voice activated dialing instruction in a user device, such as "call home" or "call Uncle Joe" after hearing a dialing tone (column 5, lines 10-13; column 3, lines 23-31);

translating the at least a part of the instruction into data (column 5, lines 32-33);
and

using the instruction data to obtain a call destination number (column 5, lines 58-65; column 6, lines 14-20).

2.4 Regarding claim 11, Borcharding teaches routing the call to the call destination number (column 5, lines 47-49).

2.5 Regarding claim 12, Borcharding teaches initiating a call to the call destination number (column 2, lines 15-20).

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2.6 Regarding claims 13 and 14, it is inherent that a telephone network determines a connection path between a calling party and a called party, and causes the call to be routed along the path.

2.7 Regarding claim 15, Borcharding teaches that the voice dialing instruction is received in a telephone network (column 3, lines 45-55), and routing the call to the call destination number (column 2, lines 15-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borcharding US 5,165,095 in view of Gelfer et al. US 6,163,596.

Borcharding teaches using a spoken name for voice dialing, but fail to obtain additional information in addition to the name.

However, Gelfer discloses a device for voice dialing in that a caller is prompted to speak the location of a called party in addition to the called party's name (column 1, lines 21-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Borcharding's reference with the teaching of Gelfer, so that additional information about a called party would have been entered, because such a modification would have identified a telephone number of a called party having multiple telephone numbers corresponding to home, office and cellular phone.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borcharding US 5,165,095 in view of Stillman et al. US 6,870,915.

Borcharding teaches retrieving a directory number from a second database, but fails to teach that the second database is part of a data network.

However, Stillman teaches a method of voice dialing in that if a directory number is not found in a customer profile database 70, a second database 80 on a data network is searched to obtain the directory number (figure 1; column 3, lines 44-67; column 4, lines 1-3; column 6, lines 29-39; column 7, lines 27-43,55-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Borcharding's reference with the teaching of Stillman, so that a second database on a data network would have been searched to find a destination number, because such a modification would have widened the searching to have a better chance of finding the destination number.

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4. Claims 1, 10, 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wattenbarger US 5,835,570 Smith et al. US 6,404,876 and further in view of Borchherding US 5,165,095.

4.1 Regarding claim 1, Wattenbarger discloses a method for routing a voice activated dialing in figure 3, comprising steps of:

receiving a call from a subscriber with voice activated dialing instruction, such as "call John Smith" (column 3, lines 19-31; column 4, lines 34-36);

failing to find voice label of "John Smith" in the subscriber's database (first directory) (column 4, lines 56-58);

translating at least a part of the instruction into data (over SS7 data network) for querying a directory service database (second directory) (column 4, lines 58-61);

using the data to obtain a destination number (of John Smith) from the directory service database (column 4, lines 61-67); and

routing the call to the destination number (column 5, lines 9-20).

Wattenbarger teaches initiating a call by calling an access number and then issuing a voice dialing command (i.e. "call John Smith"). Wattenbarger fails to teach that the call is initiated by the voice dialing command.

However, Smith teaches a voice activated dialing, such as "call Mike", "call doctor" or "call home" can be activated (initiated) as soon as the phone is off hook, or activated via an access number (column 2, lines 9-17).

In addition, Borcharding teaches a centralized voice dialing system, in that a caller initiates a call by issuing a voice dialing directive such as "call home" or "call Uncle Joe" after hearing a dialing tone or a prompt (column 5, lines 10-13; column 3, lines 23-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Wattenbarger's reference with the teachings of Smith and Borcharding, so that a call would have been initiated by a voice dialing command after off-hook and hearing a dialing tone, because in such a modification, a caller would not have to remember telephone numbers (including the access number), and would have been enabled to make calls using only voice dialing commands.

4.2 Regarding claim 10, Wattenbarger discloses a method for routing a voice activated dialing in figure 3, comprising steps of:

- receiving a call from a subscriber with destination information, such as "call John Smith" (column 3, lines 19-31; column 4, lines 34-36);

- translating the destination information into digital data (for voice recognition purpose) (column 4, lines 29-36); and

- using the data to obtain a call destination number column 4, lines 16-20, 37-43).

Wattenbarger teaches initiating a call by calling an access number and then issuing a voice dialing command (i.e. "call John Smith"). Wattenbarger fails to teach that the call is initiated by the voice dialing command.

However, Smith teaches a voice activated dialing, such as "call Mike", "call doctor" or "call home" can be activated (initiated) as soon as the phone is off hook, or activated via an access number (column 2, lines 9-17).

In addition, Borcharding teaches a centralized voice dialing system, in that a caller initiates a call by issuing a voice dialing directive such as "call home" or "call Uncle Joe" after hearing a dialing tone or a prompt (column 5, lines 10-13; column 3, lines 23-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Wattenbarger's reference with the teachings of Smith and Borcharding, so that a call would have been initiated by a voice dialing command, because in such a modification, a caller would not have to remember telephone numbers (including the access number), and would have been enabled to make calls using only voice dialing commands.

4.3 Regarding claims 16 and 17, Wattenbarger further teaches that if the destination information is not found in a subscriber database (first directory), then translates the destination information into data for obtaining a destination number from a directory service database (second directory) over a SS7 data network, and routes the call to the destination number (column 4, line 56 to column 5, line 20).

4.4 Regarding claim 19, Wattenbarger teaches adding the destination number to the subscriber's database (first directory) (column 4, line 67 to column 5, line 8).

Allowable Subject Matter

5. Claims 20-24 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art on record, either alone or in combination, fails to teach the claimed subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments filed on 01/16/2007 have been fully considered but they are not persuasive.

As stated in paragraphs 4.1 and 4.2, Wattenbarger teaches that a caller initiates a call by dialing an access number, not by a voice activated dialing instruction.

However, Smith and Borcharding teach that a voice activated call can be initiated by uttering a voice dialing instruction immediately after off-hook (hearing a dialing tone is heard), or by dialing an access number. Therefore, the previous rejection of claims 1 and 10 was proper.

Conclusion

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

03/28/2007

Olisa Anwah